

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

*Plaintiff-Applicant,*

-v-

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

*Defendant.*

**Adv. Pro. No. 08-01789 (CGM)**

**SIPA Liquidation**

**(Substantively Consolidated)**

In re:

BERNARD L. MADOFF,

*Debtor.*

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities and the  
Chapter 7 Estate of Bernard L. Madoff,

*Plaintiff,*

-v-

UBS EUROPE SE, formerly known as UBS  
Deutschland AG, as successor in interest to  
Dresdner Bank Lateinamerika AG, and LGT  
BANK (SWITZERLAND) LTD. as successor in  
interest to Dresdner Bank (Schweiz) AG,

*Defendants.*

**Adv. Pro. No. 12-01577 (CGM)**

**DECLARATION OF GREGORY F. HAUSER IN SUPPORT OF DEFENDANT  
LGT BANK (SWITZERLAND) LTD.'S MOTION TO DISMISS THE COMPLAINT**

Pursuant to 28 U.S.C. § 1746, GREGORY F. HAUSER, ESQ., under penalty of perjury, declares the following to be true and correct:

I am a partner with the law firm of Wuersch & Gering LLP, attorneys for Defendant LGT Bank (Switzerland) Ltd. (“LGT Switzerland”), as successor in interest to Dresdner Bank (Schweiz) AG (“Dresdner Schweiz”) in the above-referenced action. I submit this Declaration and the materials annexed hereto in support of Defendant’s Motion to Dismiss the Complaint in its entirety and with prejudice.

1. Attached hereto as **Exhibit A** is a true and correct copy of the Amended Complaint, filed in the above-referenced action on July 14, 2022. *See* Dkt. 105.

2. Attached hereto as **Exhibit B** is a true and correct copy of the Stipulation and Order concerning the filing of the Amended Complaint in this action, So-Ordered by the Honorable Cecelia G. Morris on July 14, 2022. *See* Dkt. 104.

3. Attached hereto as **Exhibit C** are true and correct copies of (1) a certified excerpt of the Commercial Register of the Canton of Zürich, Switzerland, for Dresdner Schweiz (the “Excerpt”), and (2) a version of the Excerpt containing a certified translation from German into English of the “purpose” section of the Excerpt. The Excerpt shows that, from December 20, 1983, to February 5, 2010, Dresdner Schweiz was registered as a corporation under Swiss law, with its registered office at Utoquai 55, 8008 Zürich, whose lawful purpose was to provide, among other banking and securities services, “[b]anking and financial transactions of all kinds,” “fiduciary transactions of all kinds,” and “investment consulting and all securities transactions.”

4. Attached hereto as **Exhibit D** is a true and correct copy of a letter from the Swiss Financial Market Supervisory Authority (“FINMA”), dated February 28, 2020, indicating that Dresdner Schweiz was “authorized to act as a bank” from January 1, 2004 to December 31, 2008, as

filed by Defendant Bank Julius Baer & Co. Ltd. in adversary proceeding *Picard v. Bank Julius Baer & Co. Ltd.*, Adv. Pro. No. 11-02922 (CGM), and located at Dkt. 116, Ex. 4.

5. Attached hereto as **Exhibit E** is a true and correct copy of FINMA's list of authorized banks and security firms, updated as of September 15, 2022, indicating that LGT Switzerland<sup>1</sup> is authorized to perform banking activities. *Swiss Financial Market Supervisory Authority FINMA*, [https://www.finma.ch/~media/finma/dokumente/bewilligungstraeger/pdf/beh.pdf?sc\\_lang=en&hash=FEF716937E1B880FBACAC8D05DF0FEE8](https://www.finma.ch/~media/finma/dokumente/bewilligungstraeger/pdf/beh.pdf?sc_lang=en&hash=FEF716937E1B880FBACAC8D05DF0FEE8) (last visited September 15, 2022). We obtained this document from the publicly available online database of FINMA, "Switzerland's independent financial-markets regulator" whose "mandate is to supervise banks, insurance companies, financial institutions, collective investment schemes, and their asset managers and fund management companies." *FINMA – an overview*, FINMA, <https://www.finma.ch/en/finma/finma-an-overview/> (last visited September 15, 2022).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
September 15, 2022

**WUERSCH & GERING LLP**

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***Counsel for Defendant LGT Switzerland***

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<sup>1</sup> Identified therein as LGT Bank (Schweiz) AG, the German language version of the corporate name of LGT Switzerland.